

Remarks/Arguments:

Preliminary Matters

Claims 42 - 66 are pending in the present case.

With respect to matters of formality, the Abstract stands objected to as including the legal phraseology "comprises." The Abstract has been amended to replace the term "comprises" with the term "includes." Reconsideration of the Abstract is respectfully requested.

Double Patenting

Claims 42 - 66 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1 - 25 of U.S. Patent No. 6,645,240 to Yee. To obviate this rejection, enclosed herewith is a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c).

Conclusion

In view of the amendments and remarks set forth above, Applicant contends that the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,


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EEF/nmc

Attachments: Abstract
Terminal Disclaimer

Dated: March 11, 2005

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Appln. No.: 10/659,478
Amendment Dated March 11, 2005
Reply to Office Action of December 15, 2004

BSI-260US3

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: March 11, 2005



Kimberly Hughes

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ABSTRACT

A delivery system for endoluminal deployment of a stent inside of a biocompatible graft cover minimizes obstruction of endoluminal fluid flow during deployment. The delivery system includes a stent sheath, a compressed stent underlying the stent sheath, and a graft overlying the stent sheath and releasably retained in a compressed state surrounding the sheath. The graft distal end is attached to the stent at or proximal the stent distal end, and the graft outer surface is exposed to the interior space of the lumen during deployment. The proximal end of the graft may be attached to the stent sheath by a releasable attachment adapted for release during deployment of the stent, or may be otherwise constrained, such as by heat deformation, to remain adjacent the outer circumference of the stent prior to deployment. The releasable attachment may be a suture that is severed by a pusher having a cutter therein. The delivery system may further include an inner core underlying the stent and connected to a tip sheath that overlies the stent distal end. One method of deploying the stent and overlying graft includes advancing the tip sheath to allow the stent distal end to expand, retracting the stent sheath to cause the suture to be severed by the pusher cutter therefore allowing endoluminal fluid to flow between the graft and the sheath, and then completing deployment of the stent to urge the graft against the lumen wall.